

REMARKS

Claims 1 and 3-10 were pending in the application. Claims 1, 4 and 6 are amended, and claims 11-13 are added. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

1. In the Specification

The Examiner objected to the specification as failing to provide proper antecedent basis of the claimed subject matter. Specifically, the Examiner indicates that there is no reference in the specification to the phrases “generally adjacent” (claim 1), “generally continuous line” (claims 1 and 4), and “closely adjacent” (claims 4 and 6). Applicant has amended paragraph 17 to provide the proper antecedent basis for the above noted phrases, and that is clearly supported in Figure 1. No new matter is added. Accordingly, withdrawal of the objection is respectfully requested.

2. Rejections under 35 U.S.C. 103(a)

Claims 1 and 3-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 20030217537 to Schlessner et al. (herein “the Schlessner et al. publication”) in view of U.S. Patent No. 5,715,893 to Houck (herein “the Houck patent”).

Claim 1 recites a method for providing flotation to a wing of an agricultural seeder relative to the ground, the method comprising, *inter alia*, the steps providing a wheel-supported main frame, providing a first elongated wing with an inner end and an opposing outer end and a center point generally equidistant from the inner and outer ends, providing a first and second elongated support arms pivotally affixed at one end to the main frame and at the other end to the center point of the first and second wings, respectively,

providing first and second hydraulic cylinders interconnecting the first and second wings and the main frame, lowering the first and second wings to the ground by activating the respective first and second hydraulic cylinders, where the first and second wings are only attached to the wheel-supported main frame by the first and second support arms, respectively, so that inner and outer ends pivot freely only about the center point of each first and second wings.

The Examiner is mistaken that the disclosed mower decks of the Schlessner et al. publication are capable of operating if in contact with the ground. The top of vegetation is not considered the ground as understood by one skilled in the art. Moreover, if the claimed wings were operated in contact with the top of vegetation (alleged ground) using the Examiner's definition applied to the Schlessner et al. publication, the seeder would not be capable of operating in its intended manner to place seed in the ground. Vice versa, if the mower decks were actually in contact with the ground as understood by one skilled in the art in the context of agricultural seeding, the mower decks would be damaged, undesired ruts would be created, and the mower would obviously be prevented from moving.

Also, the Schlessner et al. publication does not disclose where the first and second wings are only attached to the wheel-supported main frame by the first and second support arms, respectively, so that inner and outer ends pivot freely only about the center point of each first and second wings. Rather, the Schlessner et al. hydraulic control system is configured to pivot the wings laterally about their inner ends between an extended position and a folded back position. (See Figs. 1 and 8). The Schlessner et al. publication actually teaches away from the claimed central free floating pivot because the Schlessner et al.

publication teaches that the cutting modules 34A are coupled with a gear box 38 via a telescoping power shaft 40 (see paragraph 36 and Fig. 2). The mower disclosed in the Schlessner et al. publication would be incapable of operating to cut lawn if the alleged wings 16A and 16B were only connected at a center point by the alleged support arms 18A and 18B to the mainframe because the cutter modules 34 would not be connected.

Also, the Schlessner et al. publication does not disclose that the alleged cylinders are interconnected directly at the alleged arms 18A, 18B and directly at the mainframe 14. Rather, one type of cylinder 52 is only shown interconnected between the alleged wings 16A, 16B and the alleged support arm 18A, 18B (See Figs. 1 and 2). The other spring biased cylinder 52 is only shown mounted on the support arms 18A and 18B (See Figs. 1 and 2).

Moreover, when the hydraulic cylinders are locked in place, *the alleged hydraulic cylinders 52 are not capable of allowing the first and second wings to “float about the point at which the first and second support arms are pivotally affixed to the center points of the respective first and second wings”* as recited in claim 1. The Applicant has not claimed a separate lock element as mistakenly alleged by the Examiner. Again, the Schlessner et al. publication teaches away from a floating wing section as recited in claim 1 for the foregoing reasons. In addition to connection to the alleged wings 16A and 16B, the Schlessner et al. publication discloses that the cutter modules 34 on the alleged wing 16A and 16B are mechanically connected to a gear box and telescoping power shaft 40 at the mainframe (paragraph 36 and Fig. 2). Thus, when either cylinder 52 is locked, the alleged wings 16A and 16B is not capable of floating about the center point of the wing as recited

in claim 1. The Schlesser et al. publication does not disclose connection of cylinders 52 **that if locked** would allow the alleged wings 16A, 16B to float relative to the ground.

A review of the Houck patent fails to correct these deficiencies. Rather, the Houck patent discloses a frame system that permits the wings to be lifted and rotated into a fore-and-aft position for convenient transport. It requires three sections – a center section 30 that is not part of either of the wings is generally fixed, but raised separately from the lower working position. Also, the alleged wing sections are not shown pivotally supported at their center point. Still also, the Houck frame system would not function in accordance with the intended purpose if the two wings were long enough to have their inner ends closely adjacent each other, as recited in claim 1.

For at least the above-described reasons, the combination of cited references does not teach or suggest the recited limitations of claim 1. Accordingly, reconsideration and allowance of amended claim 1 is respectfully requested.

Claim 3 depends directly from claim 1 and is believed allowable for the same reasons that claim 1 is believed allowable.

Claim 4 is believed patentable over the combination of cited references for similar reasons to those described above in regard to claim 1. The combination of cited references does not disclose or suggest an agricultural seeder having elongated support arms each pivotally affixed at one end to the first lateral side of the main frame and at the other end to the center point of the respective wings, a hydraulic cylinders interconnecting directly at the respective support arm and directly at the main frame, and where the first and second wings are only attached to the wheel-supported main frame by the first and second support

arms, respectively, so that inner and outer ends float only about the center point of each first and second wings. Accordingly, reconsideration and allowance of claim 4 is respectively requested.

Claim 5 depends directly from claim 4 and is believed allowable for the same reasons that claim 9 is believed allowable.

Claim 6 as amended to include the believed patentable subject matter recited in claim 1. Claim 6 as amended recites an agricultural seeder having a main frame with first and second opposing lateral sides and first and second wings pivotally attached thereto and a hydraulic control system that pivots the wings between a raised transport position and a lowered operating position in contact with the ground, the improvement comprising the first and second wings each with a longitudinal axis and a center point along their respective longitudinal axes, the first and second wings only pivotably attached to respective lateral sides of the main frame by a structure including first and second substantially identical support arms each having a first end pivotably attached directly at the main frame and an opposing second end pivotably attached directly at the respective wing at the center point such that the wings float only about the center point pivotally attached directly at the second end of the support arm relative to the ground.

For reasons similar to those described above for claim 1, none of the cited references teaches or suggests *support arms each have a first end pivotably attached directly at the main frame and an opposing second end pivotably attached directly at the respective wing at the center point such that the wings float only about the pivotally attached second end of the support arm relative to the ground.* Rather, the Schlessner et al.

publication shows an inner end of the alleged wings 16A, 16B is attached at a gearbox 38 and telescoping shaft 40 in addition to the alleged arms 18A, 18B (paragraph 36 and Fig. 2). In fact, for reasons described above, the Schlessner et al. publication teaches away from this recited limitation in claim 1. Yet, even assuming there is motivation to combine the cited references, the Houck patent fails to correct this deficiency. For at least these reasons, reconsideration and allowance of claim 6 is respectfully requested.

Claims 7-10 depend either directly or indirectly from claim 6 and are believed allowable for the same reasons that claim 6 is believed allowable. Claims 7-10 may also recite patentable subject matter in addition to that recited in claim 6.

3. New Claims

New claim 11 depends from claim 1 and further recites the step of moving the first and second elongated wings to the transport position where both the first and second elongated wings are generally vertically aligned. In a similar manner, new claims 12 and 13 further recite the transport position where the recited wings are vertically aligned. Claims 11-13 are supported in paragraph 18 of the specification, and no new matter is added. None of the cited references teach or suggest this limitation. Accordingly, allowance of claims 11-13 is respectfully requested.

CONCLUSION

It is submitted that claims 1 and 3-13 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

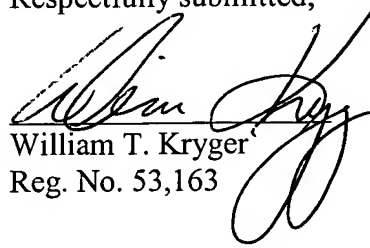
A fee of \$1,240 is included with this communication in request of a two-month extension and request for continued examination (RCE). Nevertheless, authorization is

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Art Unit 3671
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given to charge any other additional fees or credit any overpayment in connection with this
or any future communication to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help
expedite matters.

Respectfully submitted,



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